

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PARTNER REINSURANCE COMPANY LTD.,

Plaintiff,

-v-

RPM MORTGAGE, INC., LENDUS, LLC,
ERWIN ROBERT HIRT, TRACEY HIRT, and
THE ROBERT HIRT AND TRACEY NAJARIAN
HIRT REVOCABLE LIVING TRUST,

Defendants.

LENDUS, LLC,

Counterclaim Plaintiff,

-v-

PARTNER REINSURANCE COMPANY LTD.,

Counterclaim Defendant.

18 Civ. 5831 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received counsels' letter of July 28, 2021 regarding the means by which witnesses will give direct testimony at the upcoming bench trial. Dkt. 162. Counsel asked whether the Court's order of July 21, 2021 anticipates (1) that all non-third-party witnesses will give their direct testimony by affidavit, save for Mary Jo Hudson and Tim Dwyer, whose direct testimony would be live; or (2) that all witnesses would give live direct testimony, with the exception of Ms. Hudson and Mr. Dwyer. *See* Dkt. 161. The Court clarifies that Ms. Hudson and Mr. Dwyer are expected to give direct testimony live, whereas other witnesses' direct

testimony will be by affidavit. The Court further approves deposition designations for any witnesses for whom Rule 32 permits their use at trial.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: July 29, 2021
New York, New York